

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 1356/2005
(Genaram & Ors. Vs. State of Rajasthan & Anr.)

Date of Order : 27/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. B.N.Kalla for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

Heard learned counsel for the petitioners and public prosecutor for the State. Perused the order impugned dated 28.9.2005 passed by Additional Chief Judicial Magistrate, Bhinmal (for short 'the trial court' hereinafter), whereby the trial court took the cognizance of the offence and issued process against the present petitioners.

By the order impugned, it appears that the trial court has taken into consideration the material placed on record by the police investigation agency. On a report lodged by the complainant non-petitioner No.2, being FIR No.129/04, the police investigated the matter and came to the conclusion that the offence under Section 323 IPC is made out from the

statements of injured eye witnesses namely Tagaram and Ranidevi as also their injury reports. However, since the offence under Section 323 IPC is non-cognizable therefore, the police submitted final report. Thereafter the statements of complainant and his witnesses were recorded under Section 200-202 Cr.P.C. and by the order impugned the trial court took the cognizance of the offence. In my view, the order of the trial court is perfectly in accordance with law warranting no interference in the inherent jurisdiction.

The petition has no force and it is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

rp